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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21478 of 2021

B.Ramalingam

... Petitioner

Vs.

State represented by
The Deputy Superintendent of Police,
Thittakudi, All Women Police Station,
Vridhachalam.
Cr.No.20 of 2007.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Non-Bailable warrant issued in S.C.No.54 of 2016, pending on the file of the learned Additional Sessions Judge, Mahila Court, Cuddalore.

For Petitioner : Mr.R.Chakkravarthy

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. side)

O R D E R

The petitioner, who apprehends arrest for the alleged offences under Sections 498(A) and 304(B) of IPC, in Crime No.20 of 2007 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused harassed the defacto complainant by demanding dowry, for which the defacto complainant lodge a complaint before the respondent police. On the complaint given by the de-facto complainant, a case was registered and after completion of investigation the charge sheet has been filed before the learned Additional Sessions Judge, Mahila Court, Cuddalore, in S.C.No.54 of 2016 and due to the absence of the petitioner, the learned Magistrate issued NBW on 05.03.2021 against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is working as a Senior Engineer in Bangladesh and he went to Bangladesh after that, due to the Covid-19 Pandemic situation he was unable to attend the Court regularly. He would further state



that he also filed 317 Cr.P.C petition in S.C.No.54 of 2016 to condone his absence on 05.03.2021, but the trial Court dismissed the above petition and issued non bailable warrant. However, his non appearance is neither wilful nor wanton.

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4. The learned Additional Public Prosecutor would submit that the petitioner did not cooperate the investigation and the absconding charge sheet was filed against the petitioner, before the learned Additional Sessions Judge, Mahila Court, Cuddalore, and the case has been taken on file in S.C.No.54 of 2016 and since the petitioner did not appear before the concerned Court, the learned Magistrate issued NBW against him, on 05.03.2021, which is still pending.

5. Considering the submissions on either side, the reasons stated by the petitioner is justifiable, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Sessions Judge, Mahila Court, Cuddalore, within a period of 15 days from the date of receipt of a copy of this order, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall appear before the learned Additional Sessions Judge, Mahila Court, Cuddalore, on all hearings at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL SESSIONS JUDGE,
MAHILA COURT, CUDDALORE

2 DEPUTY SUPERINTENDENT OF POLICE,
THITTAKUDI, ALL WOMEN POLICE STATION,
VRIDHACHALAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.CHAKKARAVARTHY Advocate on payment of necessary charges Sr.12892

CRL OP.21478/2021

Date :17/11/2021

RVR 19/11/2021